Attorney Docket No. 03460/LH

PATON AND DATE

IN THE UNITED STATES PATENT

AND TRADEMARK OFFICE

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correspondence is being

Applicant(s): Masahiro MORISHIMA et al US PATENT & Instated with the United Service with Serial No. : 10/635,821 OFFICE Sufficient postage as First Class mail in an envelope

Filed : August 5, 2003

For

: IMAGE COMPARISON APPARATUS, IMAGE COMPARISON METHOD, AND PROGRAM FOR CAUSING COMPUTER

TO EXECUTE IMAGE COMPARISON

addressed to: Director of the addressed to: Director of the U.S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313 on the date noted below.

Dated: November 16, 2005

ATTENTION: MAIL STOP 16 - REFUNDS BEST AVAILABLE COPY

ACCOUNTING DIVISION

REQUEST FOR REFUND

Director of the U.S. Patent and Trademark Office

SIR:

Attached hereto is a highlighted copy of our September 2005 Monthly Statement of Deposit Account 06-1378. The \$200 fee, charged on September 6, 2005 (Control No. 2, Fee Code 1201) for an additional independent claim, and the \$50 fee (Control No. 3, Fee Code 1202) for a claim in excess of twenty, are respectfully submitted to be in error.

Enclosed is a copy of the cover page, along side of page 23, of the Amendment faxed to the USPTO on August 19, 2005. As noted in the CLAIM FEE paragraph on page 23, there are only 13

independent claims in the application: 1, 9, 11, 13, 17, 20, 23, 25, 29, 32, 38, 40, 41. No additional independent claim fee was required. BEST AVAILABLE COPY

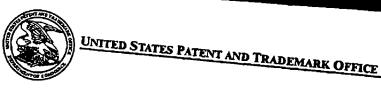
Further, enclosed is a copy of Form PTO-2038 with the appropriate page from our credit card statement. The \$50 fee, for a claim in excess of twenty, was authorized for payment via credit card, and was paid on August 19, 2005. The charge to the undersigned's Deposit Account on September 6, 2005 was not necessary.

Therefore, it is respectfully requested that the Patent Office credit the \$200 fee, and the \$50 fee, charged in error on September 6, 2005, to Deposit Account 06-1378.

Respectfully submitted,

Douglas Holtz Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C. 220 Fifth Avenue - 16th Floor New York, New York 10001-7088 Tel. No. (212) 319-4900 Facsimile No. (212) 319-5101



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspio.gov

MONTHLY STATEMENT AVAILABLE COPY OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C. ATTN CATHERINE BACON 220 FIFTH AVENUE, 16TH FLOOR FINA NEW YORK NY 10001-7708

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Application No. 10/635,821 Fraction Response to Office Action

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Attorney Docket No. 03460/LH

IN THE UNITED STATES PATENT AND TRADESORK OFFICE

Applicant(s): Masahiro MORISHINA et al Serial No.

Filed 10/635,821

August 5, 2003

IMAGE COMPARISON APPARATUS, IMAGE-COMPARISON-METHOD, AND PROGRAM FOR CAUSING COMPUTER TO EXECUTE COMPARISON

Art Onit ÷ --2621 ---

THEMONERAR : Andrew W. Johns

Examiner

Alexandria, VA 22313-1450 Commissioner for Patents P.O. Box 1450

the term for response to which expires on August 19, 2005. Amendments to the Claims are set forth in the listing of This is responsive to the Office Action mailed May 19, 2005,

and 37 are canceled; and claims 38-41 are added. and 25-35 are amended; claim 3 is maintained; claims 24, 36 claims which begins on page 2 of this paper. Claims 1, 2, 4-23 Remarks begin on page 21 of this paper.

Application No. 10/635,821 Response to Office Action

Customer No. 01933

least one of the illumination sources, and the operating means. Observation unit and the micro-observation unit comprises at

Wentment (26) TOTAL PAGES: 27 CERTIFICATE OF FACSIMILE TRANSMISSION OF 1-571-273-8000

Customer No. 01933

I hereby certify that this paper is being factionic transmitted to the Commissioner for Patents on the date noted

المحتول

In the event that this Paper is late filed, and the necessary petitron for extension of the nervith, leading the concurrent this as a petition for the polistic extension of time, and to the Pro-Caus attached by tendency the charge of the constraint contended by the Pro-Caus attached hereto Dated: August 19, 2005

example, page 35, line 19 to page 37, line 19.

Still further, claims 9-12 have been amended to make some

See Fig. 13 and the disclosure in the specification at, for

issuance in a U.S. Patent.

antecedent basis problems so as to put them in better form for minor grammatical improvements and to correct some minor

entered. requested that the amendments to claims 9-12 be approved and No new matter has been added, and it is respectfully

STAIN FEE

additional fees which may be required to Account No. 06-1378. of \$50.00.for the addition of 1 extra claim in total is attached which 13 are independent. Accordingly, a claim fee in the amount for such claims. The application now contains 38 claims, of which 13 were independent, and the appropriate claim fee was paid The application was originally filed with 37 claims of In addition, authorization is hereby given to charge any

THE PRIOR ART REJECTION

Obvious in view of the combination of USP 6,434,264 ("Asar") and Claims 9 and 10 were rejected under 35 USC 103 as being -23-

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Adjustment date: 12/19/2005 SDIRETA1 09706/2005 BPHDENIX 00000002 061378 10635821 01 FC:1201 200.00 CR 02 FC:1202 50.00 CR